UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,224	09/25/2001	Maria Gaos	30332-3	2786

			EXAMINER
46345 7590 03/15/2006			BROWN JR, NATHAN H

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ART UNIT	PAPER NUMBER
2121	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/964,224	GAOS, MARIA
	Examiner	Art Unit	
	Nathan H. Brown, Jr.	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *(3)* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2005*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-5,7,9-13,15 and 17-23* is/are rejected.

7)☒ Claim(s) *6,8,14 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Examiner's Detailed Office Action

1. This Office is responsive to the communication for application 09/964224, filed
March 21, 2005.

2. Applicant's election of Group II, claims 3-23 in the reply filed on July 11, 2005 is
acknowledged. Because applicant did not distinctly and specifically point out the
supposed errors in the restriction requirement, the election has been treated as an election
without traverse (MPEP § 818.03(a)).

3. Accordingly, this restriction requirement is made Final. Claim 2 is withdrawn from
consideration and claims 3-23 are acted upon below.

Objections to the Claims

4. Claim 22 is objected to because of the following informalities: "expehs"
should be -- experts --.

5. Claim 22 is objected to because of the following informalities:
"fo" should be -- of --.

"a processor to executed the set of instruction" should be -- a processor to execute the set

of instructions --

6. Claims 3, 7, 10, 11, 12, 15, 18, 19, 20, and 22 are objected to because of the following

informalities:

> claim 3, line 5, "and" should be -- or -- (see also line 12),
>
> claim 7, lines 2 and 3 "and" should be --or --;
>
> claim 10, line 2 "and" should be --or --;
>
> claim 11, lines 3 and 4 "and" should be --or --;
>
> claim 12, line 2 "and" should be --or --;
>
> claim 15, lines 2 and 3 "and" should be --or --;
>
> claim 18, line 2 "and" should be --or --;
>
> claim 19, lines 3 and 4 "and" should be --or --;
>
> claim 20, line 2 "and" should be --or --;
>
> claim 22, lines 5, 7, 8, 13, "and" should be --or -- ; and
>
> claim 22, line 16 "and" (first occurrence) should be --or -- .

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 3, 4, 10 are rejected under 35 U.S.C. 102(a) as being anticipated by *Miyashita*

et al. (USPN 6,057,856).

Regarding claim 3. (New) *Miyashita et al.* teach a method, comprising the steps of:

communicating with a participant using an input/output arrangement to obtain at least one

of background information and preference information (*see* col. 29 line 59 to col. 30 line

6, *Examiner interprets the Community Place Bureau to be the input/output arrangement*

and "the shared data" to comprise background and preference information.);

generating a participant profile as a function of the background information (*see* col. 29

line 59 to col. 30 line 6, *Examiner interprets "the shared data" to be a participant*

profile.), the participant profile including at least one of a participant identity and

participant personal information (*see* col. 29 line 59 to col. 30 line 6, *Examiner interprets*

"the shared data" to be a participant profile and "user ID" to be a participant identity

and "the shared data" to contain participant personal information.); creating a virtual

reality environment using at least one of the participant profile and the preference

information (*see* col. 30 lines 24-32, *Examiner interprets the "solid sphere ... around the*

user" plus the "surrounds information table", containing the user ID and shared data, to

be a virtual reality environment using at least one of the participant profile and the

preference information.), the virtual reality environment including a virtual personal

assistant and being presented to the participant via the input/output arrangement (*see* col.

30 lines 38-40, *Examiner interprets "avatars of other users" to include a virtual personal*

assistant.); receiving a request from the participant using the virtual personal assistant

(*see* col. 12, lines 20-31, *Examiner interprets "user" to be a participant and*

conversations between user and service provider to comprise receiving requests from the

participant.); processing the request using an artificial intelligence engine and at least one

of the preference information and the participant profile to generate request data (*see* col.

12, lines 20-31, *Examiner interprets " service provider" to be an (artificially) intelligent*

agent.); obtaining a response data as a function of the request data from at least one

remote location via a communications network (*see* Fig. 23 and col. 12, lines 20-31,

Examiner asserts that response data from the " service provider" is issued from the

"service provider terminal" which is remote from the "user terminal" in the

communications network shown in Fig. 23.), the response data including at least one of

information, product data and service data (*see* col. 12, lines 58-59); and providing the

response data to the participant via the virtual reality environment (*see* col. 12, lines 32-

48).

Regarding claim 4. (New) *Miyashita et al.* teach the method of claim 3, wherein the

virtual personal assistant is configured to converse with the participant using a natural

language (*see* col. 12, lines 20-31, *Examiner interprets "avatar F" to be a virtual*

personal assistant.).

Regarding claim 10. (New) *Miyashita et al.* teach the method of claim 3, wherein the

participant profile further includes data pertaining to the participant's preferences for at

least one of information, product data and service data (*see* col. 29 line 59 to col. 30 line

6, *Examiner interprets "shared data" to comprise the participant's preferences for*

information.).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the art to which said subject
> matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

10. Claims 12, 7, 9, 15, 17, 18, and 20-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over *Miyashita et al.* in view of *Slotznick* (USPN 5,983,200).

Regarding claim 12. (New) *Miyashita et al.* teach a system, comprising: a memory

storage device storing a participant profile generated as a function of background

information (*see* Fig. 1 and col. 29 line 59 to col. 30 line 1, *Examiner interprets the "user*

control table" to comprise a participant profile generated as a function of background

information and to be stored in RAM in host B running the Community Place Bureau's

shared server terminal.), the participant profile including at least one of a participant

identity and participant personal information (*see* col. 29 line 59 to col. 30 line 6,

Examiner interprets "the shared data" to be a participant profile and "user ID" to be a

participant identity and "the shared data" to contain participant personal information.);

an input/output arrangement communicating with the participant to obtain at least one of

the background information and preference information (*see* Fig. 29, *Examiner interprets*

the chat window of the client terminal browser to be an input/output arrangement

capable of communicating with the participant to obtain at least one of the background

information and preference information.), the input/output arrangement configured to

present a virtual reality environment created as a function of at least one of the participant

profile and the preference information (*see* Fig. 29 and col. 30, lines 29-37, *Examiner*

interprets the main window of the client terminal browser to be configured to present a

virtual reality environment created as a function of at least one of the participant profile

and the preference information.), the virtual reality environment including a virtual

personal assistant which receives a request from the participant (*see* Fig. 29, *Examiner*

interprets either avatar A or B to be a virtual personal assistant which receives a request

from the participant.); and a communications arrangement connected to at least one

remote location via a communications network to obtain response data (*see* Fig. 23 and

col. 12, lines 20-31, *Examiner asserts that "service provider terminal" remotely*

connected to the "user terminal" via the communications network shown in Fig. 23 is a

communications arrangement connected to at least one remote location via a

communications network to obtain response data.), the response data is a function of the

request data and includes at least one of information, product data and service data (*see*

col. 12, line 58 to col. 13 line 3).

Miyashita et al. does not teach an artificial intelligence engine processing the request to generate request data as a function of the request and at least one of the preference information and the participant profile.

However, *Slotznick* does teach (2) an artificial intelligence engine processing the request to generate request data as a function of the request and at least one of the preference information and the participant profile (*see* Abstract, *Examiner interprets the computer running the agent to be an artificial intelligence engine and further interprets "commercial transactions" to require selecting and obtaining remote data based on a* request and at least one of the preference information (i.e., what to transact) and the participant profile (e.g., credit data).).

It would have been obvious at the time the invention was made to persons having ordinary skill in the art to combine *Miyashita et al.* with *Slotznick* to incorporate the ability of executing tasks at a future time and on a periodic basis.

Regarding claim 22. (New) *Miyashita et al.* teach a system comprising a participant premise equipment (PPE) connected to an input/output arrangement (*see* Fig. 23, items 13-1 and 13-2, *Examiner interprets "client terminal" to be PPE.*), the PPE including a memory arrangement to store a set of instructions and a processor to execute the set of instruction (*see* Fig. 7 and col. 3, lines 59-60), the set of instructions being operable to:

communicate with a participant using the input/output arrangement to obtain at least one

of background information and preference information (*see* col. 23, lines 41-47,

Examiner interprets HTML to be the set of instructions being operable to:

communicate with a participant using the input/output arrangement to obtain at least one

of background information and preference information.); generate a participant profile as

a function of the background information (*see* col. 29 line 59 to col. 30 line 6, *Examiner*

interprets "the shared data" to be a participant profile.), the participant profile including

at least one of a participant identity and participant personal information (*see* col. 29 line

59 to col. 30 line 6, *Examiner interprets "the shared data" to be a participant profile and*

"user ID" to be a participant identity and "the shared data" to contain participant

personal information.); create a virtual reality environment using at least one of the

participant profile and the preference information (*see* col. 30 lines 24-32, *Examiner*

interprets the "solid sphere ... around the user" plus the "surrounds information table",

containing the user ID and shared data, to be a virtual reality environment using at least

one of the participant profile and the preference information.), the virtual reality

environment including a virtual personal assistant and being presented to the participant

via the input/output arrangement (*see* Fig. 29, *Examiner interprets either avatar A or B to*

be a virtual personal assistant); receive a request from the participant using the virtual

personal assistant (*see* Fig. 29, *Examiner interprets either avatar A or B to be a virtual*

personal assistant which receives a request from the participant.), process the request

(*see* col. 12 line 67 to col. 13 line 3), obtain a response data as a function of the request

data from at least one remote location via a communications network (*see* col. 17 line 66

to col. 18 line 11, *Examiner interprets "shared server terminal" and the "mapping*

server terminal" to be remote from the "client terminal".), the response data including at least one of information, product data and service data (*see* col. 17 line 66 to col. 18 line 11, *Examiner interprets "three-dimensional scene data representing only basic objects" transmitted by the information server terminal to be information.*); and

provide the response data to the participant via the virtual reality environment (*see* col. 17 line 66 to col. 18 line 11, *Examiner notes that the requested "virtual reality space" is displayed via the virtual reality environment upon receipt.*).

Miyashita et al. do not teach processing the request using an artificial intelligence engine and at least one of the preference information and the participant profile to generate request data.

However, *Slotznick* does teach processing the request using an artificial intelligence engine and at least one of the preference information and the participant profile to generate request data (*see* Abstract, *Examiner interprets the computer running the agent to be an artificial intelligence engine and further interprets "commercial transactions" to require selecting and obtaining remote data based on a* request and at least one of the preference information (i.e., what to transact) and the participant profile (e.g., credit data).).

It would have been obvious at the time the invention was made to persons having ordinary skill in the art to combine *Miyashita et al.* with *Slotznick* to incorporate the ability of executing tasks at a future time and on a periodic basis.

Regarding claims 7 and 15. (New) *Miyashita et al.* teach the method of claim 3 and

system of claim 12, wherein at least one of the participant profile, the virtual electronic

environment or the virtual reality assistant are continuously adjusted as functions of at

least one of the request data, the preference information, and the background information

(*see* col. 15, lines 24-38, *Examiner interprets "positional data" to be one of the*

participant profile which is continuously adjusted as a function of movement request data

generated by controller moves on the client terminal.).

Regarding claims 9 and 17. (New) *Miyashita et al.* teach the method of claim 3 and

system of claim 12, wherein the virtual personal assistant is an avatar including audio and

visual representations (*see* col. 12, lines 20-31, *Examiner interprets an avatar to be a*

representation of a virtual personal assistant.).

Regarding claim 18.   (New) *Miyashita et al.* teach the system of claim 12, wherein the

virtual reality environment includes a selection menu for at least one of information,

product data and service data (*see* Fig. 29, *Examiner interprets the Bookmark drop down*

to provide a selection menu for information (i.e. virtual spaces).).

Regarding claim 20.   (New) *Miyashita et al.* teach the system of claim 12, wherein the

input/output arrangement includes at least one of a visual display unit, a microphone, an

audio output device and a pointing device (*see* Fig. 8).

Regarding claim 21.   (New) *Miyashita et al.* teach the system of claim 12, wherein the

system is a set-top box (*see* Fig. 25, *Examiner interprets the client terminal 13-1 to be a*

set-top box.).

Regarding claim 23.   (New) *Miyashita et al.* teach the system of claim 22, wherein the

PPE is a set-top box (*see* Fig. 25, *Examiner interprets the client terminal 13-1 to be PPE*

and a set-top box.).

11. Claims 5, 11, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over *Miyashita et al.* in view of *Martino et al.* (USPN 6,061,646).

Regarding claims 5 and 13.   (New) *Miyashita et al.* teach the method of claim 3 and

system of claim 12. *Miyashita et al.* do not teach the method of claim 3 and system of

claim 12, wherein the virtual personal assistant includes a further artificial intelligence

engine adapted to recognize a plurality of natural languages. However, *Martino et al.* do

teach a virtual personal assistant that includes a artificial intelligence engine adapted to

recognize a plurality of natural languages (*see* Abstract, *Examiner interprets the "speech*

recognition engine" to be an artificial intelligence engine. Examiner further interprets

the first and second utterance recognition capabilities, small dictionaries, large dictionaries, and the capability to respond aurally or visually to comprise the capabilities of virtual personal assistant.). It would have been obvious at the time the invention was made to persons having ordinary skill in the art to combine *Miyashita et al.* with *Martino et al.* to provide computing based services to people of limited computer skill and who speak different languages.

Regarding claims 11 and 19. (New) *Miyashita et al.* teach the method of claim 3 and system of claim 12. *Miyashita et al.* do not teach an artificial intelligence engine that includes at least one of a phonetic parsing module, a list of frequently used vocabulary in a selected geographic region, a speech recognition module, a digital video and audio recognition module, a data mining module, a searching module, a knowledge database and an experts database. *Martino et al.* do teach an artificial intelligence engine that includes at least a speech recognition module (*see* Abstract). It would have been obvious at the time the invention was made to persons having ordinary skill in the art to combine *Miyashita et al.* with *Martino et al.* to provide computing based services to people of limited computer skill and who speak different languages.

Allowable Subject Matter

12. Claims 6, 8, 14, and 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
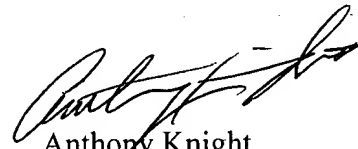
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan H. Brown, Jr. whose telephone number is 571-272- 8632. The examiner can normally be reached on M-F 0830-1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

Anthony Knight
Supervisory Patent Examiner
Tech Center 2100

Nathan H. Brown, Jr.
March 7, 2006

In the Claims: